

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael E. Belk on June 14, 2010.

The application has been amended as follows:

On Page 5, Claim 16, Line 1, "16" was changed to - -15- -

### ***Reasons for allowance***

2. Claims 1-5 and 7-17 are allowed.

3. The following is a statement for the indication of allowable subject matter:

The closest prior art documents Teruo (U.S. Patent Number 6,845,332), Feil et al. (U.S. Publication Number 2002/117997) and Koike et al. (U.S. Patent Number 6,583,606) fail to teach alone or in combination, **subtracting the measured state of charge in a first measurement from the state of charge at a second measurement and updating the value of the maximum capacity of the battery by relating the charge withdrawn from the battery with the result of the subtraction, characterized in that the second measurement is executed during charging**, as recited in independent claims 1 and 15. Claims 2-5, 7-14 and 16-17 are dependent on claims 1 and 15 and allowable for the same reasons.

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4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHALI A. TORRES RUIZ whose telephone number is (571)270-1262. The examiner can normally be reached on M- F 9:30am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. A. T./  
Examiner, Art Unit 2858

/Edward Tso/  
Primary Examiner, Art Unit 2858